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STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

JEFFREY E. STERLING, M.D.,

FINAL DECISION AND ORDER

RESPONDENT.

LS9910202MED

Division of Enforcement

99 MED 014

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*Jeffrey E. Sterling, M.D.
5033 S. Dorchester Ave.
Chicago, IL 60615*

*Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Jeffrey E. Sterling, M.D., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Jeffrey E. Sterling, M.D., 5033 S. Dorchester Avenue, Chicago, Illinois, 60615, was born on 1/15/64, and has been licensed and currently registered to practice medicine and surgery in the state of Wisconsin since 9/25/98, licensee #40477.

2. Dr. Sterling specializes in emergency medicine.

3. The patient, C.K., was a resident of a nursing home. On 11/9/98, the patient was transported to the emergency room at St. Catherine's Hospital in Kenosha, Wisconsin because his gastric feeding tube had become dislodged. Dr. Sterling, the emergency room physician, replaced the displaced gastric feeding tube with a #20 French 30 cc Foley and obtained a supine flat plate x-ray of the abdomen without contrast media. Dr. Sterling read the supine flat plate x-ray as indicating good placement of the #20 French 30 cc Foley and discharged the patient to the nursing home. Dr. Sterling did not enter any orders restricting gastric tube feedings until the position of the #20 French 30 cc Foley could be verified by x-rays taken with contrast media. The Emergency Department Patient Discharge Instructions completed by the emergency room nurse indicated that the nursing

home could resume tube feedings. In fact, the #20 French 30 cc Foley had been placed in the patient's abdomen but was not located in the patient's stomach. The nursing home resumed tube feedings. The patient developed peritonitis as a result of infusion of tube feedings into the peritoneal cavity and expired on 11/10/98.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Sterling's conduct in discharging the patient from the emergency room without having obtained x-rays with contrast media to verify the placement of the #20 French 30 cc Foley and his failure to enter an order at the time of discharge from the emergency room directing that there be no tube feedings until the placement of the #20 French 30 cc Foley could be verified by x-ray with contrast media constituted violations of sec. 448.02(3), Stats. and Wis. Admin. Code sec. MED 10.02(2)(h).
4. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Sterling.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Jeffrey E. Sterling, M.D., is REPRIMANDED.

IT IS FURTHER ORDERED that Jeffrey E. Sterling, M.D. will pay the costs of this proceeding in the amount of \$500.00 to the Department of Regulation And Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Final Decision And Order.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin

Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 20th day of October, 1999.

WISCONSIN MEDICAL EXAMINING BOARD

Ronald Grossman, M.D.

Member, Wisconsin Medical Examining Board